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INFO RUCNOSC/OSCE POST COLLECTIVE
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UNCLAS ASHGABAT 001097

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STATE FOR SCA/CEN (PERRY)

SENSITIVE

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E.O. 12958: N/A

TAGS: PGOV PHUM PINR TX

SUBJECT: Turkmenistan's President Niyazov Amnesties 10,000 Prisoners

REF: 05 Ashgabat 653

Summary

¶1. (U) President Niyazov announced on October 16 that he would amnesty 10,056 prisoners, including 8 people convicted of crimes related to the alleged November 2002 presidential assassination attempt. A lengthy list, published only in Turkmen, was released on October 18. Niyazov said that the eight terrorists' names would be highlighted, but there were no special markings in the publication and none of the government's list of 60 terrorists who were sentenced in January 2003 was included. Post's analysis of the list identified several third tier "terrorists" and several embassy advocacy cases. End Summary.

To the Ten Thousand: "You're Free!"

¶2. (U) On October 18, three Turkmen-language newspapers published a list of 10,056 prisoners who were pardoned pursuant to President Niyazov's October 16 decree. The annual tradition of pardoning prisoners on the Night of Omnipotence, marking the end of the month of Ramadan, has been in practice locally since 1999. Among other benefits, this annual amnesty may help to reduce prison populations, because, reportedly, space is hard to find by the time the next amnesty rolls around. According to National Security Minister Geldimuhamed Ashyrmuhammedov, 10,056 prisoners out of 18,604, or 54% of all inmates, were released on October 19. This year marks the largest number of prisoners pardoned in a single year; Niyazov reported that 150,000 inmates have been pardoned since 1999.

Who Are the Released Criminals?

¶3. (U) The list is comprised mostly of petty criminals charged with theft, robbery, drug trading, swindling, and similar crimes, who were sentenced in 2005 or 2006. Many of the released are likely to return to prison for similar convictions, although second-round convicts' chances for pardoning are reduced. During the national People's Council session in October 2005, Niyazov said that 4,000 inmates remained in prison after the 2005 amnesty, which means that 14,000 people were imprisoned during the past year.

Mercy for the Terrorists?

¶4. (SBU) "We will also release eight of those who tried to overthrow the government and got involved in terrorism [in November 2002] and who have repented now," Niyazov announced during the October 16 meeting. "They are the ones who didn't engage directly and didn't take arms in their hands." Niyazov had mentioned the release of some "2002 terrorists" to former EUR Deputy Assistant Secretary Laura Kennedy in February 2005 and Foreign Minister Rashit

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Meredov wrote in his June 27, 2005 letter to U.S. Congressmen Smith and Brownback that, "In October 2006, on the eve of the 15th anniversary of Turkmenistan's independence, the President of Turkmenistan will pardon the main part of the persons convicted for participation in the terrorist act, perpetrated on November 25, 2002 in Ashgabat" (reftel). In January 2003, the government of Turkmenistan announced that approximately 60 people were convicted for participation in the November 2002 events. Post estimates that the number of arrested people was at least 120, and acknowledges that there may be more.

¶5. (SBU) So, where are the eight? Despite Niyazov's clear instructions to his ministers, that the eight "terrorists" be clearly marked, the Ashgabat OSCE Human Dimension office and the embassy's political section could not clearly identify the eight, even after a name-by-name search. Three new names were identified as co-conspirators to the November 2002 event that were not previously known to embassy staff. They are a family of three, a mother and two sons, who were sentenced on January 16, 2003 by the Supreme Court: Galina, Mihail and Nikolay Comissarov. According to their neighbor, an embassy employee, one of the sons, a drug user, sold his mother's clothing in late 2002 to a "coup plotter," who used it as a disguise.

¶6. (SBU) Post suspects that none of the government-identified 60 terrorists were pardoned. One possibility exists: Arslan Babayev, who shares all but the same patronymic name as an identified inmate.

Two names on the embassy's list approximate the period of conviction and the high level of judicial attention during that period of time, but post has no conclusive information:

-- Prokofyeva, Svetlana, born in 1965, sentenced by the Ashgabat city court on February 21, 2003;

-- Bayramova, Enetach, born in 1957, sentenced by the Mary provincial court on January 31, 2003.

There are four additional names with a positive correlation, but again there is no supporting data. Post sent a request to the Ministry of Foreign Affairs through diplomatic note on October 20, requesting a list of the eight.

Familiar Names on the List

¶7. (SBU) Post has identified three other amnestied people, whose cases were followed by staff:

-- Cheper Annaniyazova, a Hare Krishna devotee sentenced on November 17, 2005, in Ashgabat, for illegally crossing the Turkmenistan border. Her case was included in the 2005 Human Rights Report.

-- Igor Kaprilev, Rahym Esenov's son-in-law, sentenced conditionally on March 31, 2004, in Ashgabat, for smuggling Esenov's banned book "Crowned Wanderer." Charge met with Kaprilev at the Ashgabat OSCE office on October 20. Although Kaprilev's was not given an amnesty certification because he refused to take the requisite oath on the "Ruhnama," he told Charge that he is confident he legally is pardoned.

-- Tashli Esenov, a member of an independent farmers' group "Ilkinjiler," which the embassy has close ties with; sentenced on December 22, 2005, in Turkmenbashi district of Mary province on embezzlement charges. Post works with many members of the Ilkinjiler group, and officers were told that Esenov's arrest was politically motivated. Embassy had sent a diplomatic note asking for specifics of the case following the arrest and had been warned in response to stay out of "Turkmenistan's internal affairs."

The List

¶18. (SBU) The awkward alphabetization of the list indicates that the published Turkmen language list was first compiled in Cyrillic Turkmen or Russian. Niyazov still likes to read and write in Cyrillic Turkmen, which might have been a reason for the list's original compilation in Cyrillic script. The oldest released prisoner was born in 1929 and the youngest in 1991; the longest-serving convict was sentenced in 1997 and the most-recent sentencing was August 30, 2006. (Note: Post doesn't exclude the possibility that the year 1929 might have been a typo. End note.) Post did not find any government officials listed who were charged with corruption, embezzlement or nepotism during the past one-and-a-half years.

Life After Amnesty

¶19. (SBU) OSCE Human Dimension Officer Benjamin Moreau told Charge that a number of the amnestied had come by the office requesting assistance on post-amnesty life. Moreau said they noted they had paid anywhere from \$2k to \$40k to be put on the amnesty list, according to the severity of the crime.

¶10. (SBU) Moreau said at least two of the amnestied had been contacted by the Russian Embassy to inform them of a "compatriot law" signed in June allowing loosely defined "compatriots" to return to Russia. According to Moreau, this legislation was passed because Russia was losing its population to emigration at the rate of 700,000/year. Moreau said Russia was recruiting educated Russian speaking "compatriots" to settle in the Far East and was offering an "attractive jobs and housing package." Moreau believed a number of the educated amnestied would likely opt for this option and leave Turkmenistan for good.

Comment

¶11. (SBU) The ICRC and diplomatic missions working in Turkmenistan have been persistent in pressuring Niyazov and Foreign Minister Meredov, who promised one and one-half years ago that the government would release "the main part" of the group associated with the November 2002 events. The pardoning of the eight is most likely a conciliatory gesture to the international community. If the government hoped that this amnesty would take some of the pressure off the government for its treatment of those accused of complicity in the 2002 assassination attempt, however, the lack of prominent -- or even second-tier -- names is sure to be a disappointment. End Comment.

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